

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SWS/Back River Neck Road, SEC	*	ZONING COMMISSIONER
of E. Homberg Avenue	*	
100 Back River Neck Road	*	OF BALTIMORE COUNTY
15th Election District	*	
7th Councilmanic District	*	
Exxon Corporation, Petitioner	*	Case No. 99-152-SPH
* * * * *	*	* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 100 Back River Neck Road in the eastern section of Baltimore County. The Petition was filed by the Exxon Corporation, property owner. Special Hearing relief is requested to approve an extension of a special exception previously approved in case No. 97-168-SPHXA on November 22, 1996. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Julie Wright, Esquire, on behalf of Exxon Corporation, Petitioner. There were no Protestants or other interested persons present.

At the hearing, Ms. Wright offered a copy of the opinion previously issued by me in case No. 97-168-SPHXA. A review of that opinion shows that special exception, special hearing and variance relief were granted in case 97-168-SPHXA for the subject property on November 22, 1996. Specifically, special exception relief was approved to allow a fuel service station use in combination with a convenience store and fast food restaurant. Special Hearing relief was requested to amend the previously approved site plan in case No. 66-43-X. Three variances as to parking requirements were also granted.

At the hearing on the instant case, Ms. Wright proffered that the proposed improvement to the property had not, as yet, been implemented. Therefore, in order to maintain the special exception approval previously

ORDER RECEIVED FOR FILING
 Date 12/9/98
 By SA. Chubb

granted, the subject Petition for Special Hearing was filed.

As noted above, there were no Protestants at the hearing and a favorable comment was issued from the Office of Planning. It is clear that there have been no changes to the property or neighborhood which would warrant a decision other than that entered in case No. 97-168-SPHXA on November 22, 1996. That is, it is appropriate that relief be granted so that the property can be modernized and upgraded as previously proposed. It is also to be noted that the terms and conditions of the previous order be continued in full force and effect. In this regard, a small change is made to the plan by way of a spirit and intent letter submitted by the Petitioner on March 24, 1998. By way of a reply from the Department of Permits and Development Management dated April 22, 1998, the updated plan was approved. Thus, the plan offered at the hearing before me, containing those changes, shall be approved.

Last, it is to be noted that the Order previously issued in case No. 97-168-SPHXA provided special exception approval for a period of two years. That Order was dated November 22, 1996. The Petition for Special Hearing requesting an extension was filed on October 9, 1998, before the lapse of the approval. Additionally, the public hearing and this Order was issued on November 23, 1998. November 22, 1998 was a Sunday, thus, pursuant to the Maryland Rules of Procedure, which are adopted by the zoning regulations, this Order timely provides an extension to that approval.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of November 1998 that, pursuant to the Petition for Spe-

ORDER RECEIVED FOR FILING
Date 11/27/98
By M. J. [Signature]

cial Hearing, approval for an extension of a special exception previously approved in case No. 97-168-SPHXA on November 22, 1996, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 1/29/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 7, 1998

Julie Wright, Esquire
David K. Gildea, Esquire
Whiteford, Taylor and Preston LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 99-152-SPH
Property: 100 Back River Neck Road
Exxon Corp., Petitioner

Dear Counsel:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 100 Back River Neck Road

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Pursuant to BCZR Section 502.3 an extension of the Special Exception approved in case number 97-168-SPHXA (Order dated November 22, 1996.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner: David K. Gildea and
Whiteford, Taylor & Preston L.L.P.

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. (410)832-2000
Address Phone No.

Towson, MD 21204

City

State

Zipcode

Drop-Off
No Review
10/9/98 uc

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Robert Caserta

(Type or Print Name)

Signature

6301 Ivy Lane, Suite 700 (801)513-7511
Address Phone No.

Greenbelt, MD 20970

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea

Name

210 W. Pennsylvania Ave. 832-2000
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

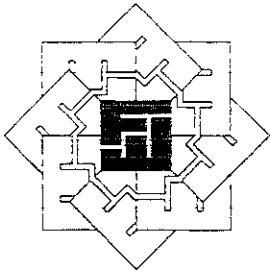
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

99-152-SPH



FREDERICK WARD ASSOCIATES, INC.
ENGINEERS • ARCHITECTS • SURVEYORS

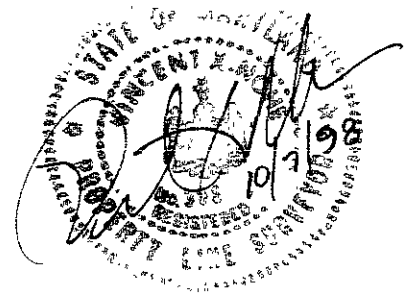
ZONING DESCRIPTION

100 Back River Neck Road
Fifteenth Election District
Baltimore County, Maryland

BEGINNING for the same at a point on the southwesterly right-of-way line of Back River Neck Road, 60' wide, at its intersection with the southeasterly right-of-way of East Homberg Avenue, 60' wide. Thence binding on Back River Neck Road

- 1) South $31^{\circ}30'31''$ East 135.28 feet. Thence leaving Back River Neck Road
- 2) South $55^{\circ}21'24''$ West 170.40 feet
- 3) North $36^{\circ}42'51''$ West 50.82 feet
- 4) North $31^{\circ}30'31''$ West 98.77 feet to intersect the southeasterly right-of-way line of East Homberg Avenue, 60' wide. Thence binding on East Homberg Avenue
- 5) North $55^{\circ}08'39''$ East 160.05 feet
- 6) South $78^{\circ}10'56''$ East 20.58 feet to the point of beginning hereof.

CONTAINING 25975 square feet (0.5963 acre) of land more or less.



99-152-5 PH

BALTIMORE COUNTY, MAR
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND
No. 060313

DATE 10/9/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Whiteford, Taylor & Preston

FOR: SPECIAL HEARING Item # 152

100 Back River Neck Road
Drop-Off ----- No Review Case # 99-152-SPH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESSED ACTUAL TIME
10/13/1998 10/09/1998 15:16:49

REG 4803 CASHIER WEB NEW DRAFTER
5 MISCELLANEOUS CASH RECEIPT

Receipt # 062011

CT NO. 060313

250.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 407, County Courthouse, Baltimore, Maryland on the property identified herein as follows:

Case: #98-152-SPH
100 Back River Neck Road
SW/S Back River Neck Road
SEC of East Homburg Avenue
16th Election District
7th Councilmanic District
Legal Owner(s): Exxon Corporation

Special Hearing: to approve an extension of the special exception approved in case number 97-138-SPH-XA.

Hearing: Monday, November 22, 1998 at 8:00 a.m. in Room 407, County Courthouse, 401 Spawley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3351.

11/008 Nov. 5 0271089

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 5, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 5, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CASE NUMBER: *99-152-SPH*

PETITIONER/DEVELOPER: () *Exxon Corp.*

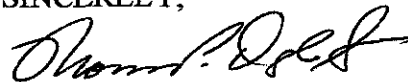
DATE OF HEARING/~~CLOSING~~: () *11-23-98*

ATTENTION: MS. GWENDOLYN STEPHENS

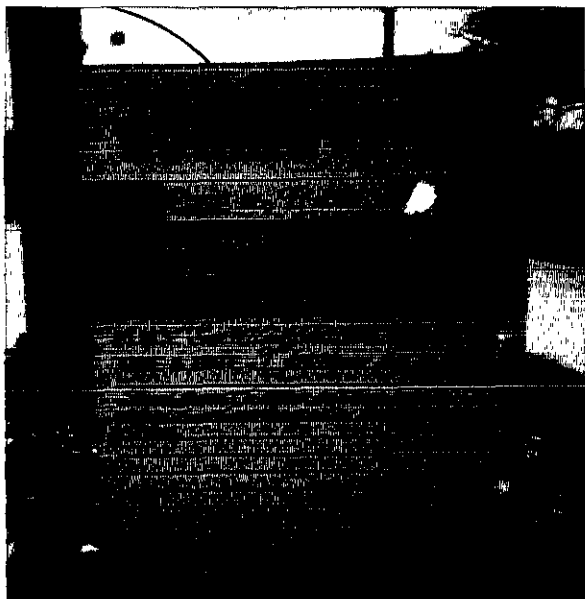
LADIES AND GENTLMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY
THAT THE NECESSARY SIGN (S) REQUIRED BY LAW WERE POSTED
CONSPICUOUSLY ON THE PROPERTY LOCATED AT,
100 BACK RIVER NECK ROAD, BALTIMORE, MARYLAND 21221
THE SIGN (S) WERE POSTED ON, *11-6-98* BY THE UNDERSIGNED.

SINCERELY,



THOMAS P. OGLE SR.
325 NICHOLSON RD.
BALTIMORE MD. 21221
(410) 687-8405
(410) 687-4381 (FAX)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 9, 1998

David K. Gildea, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gildea:

RE: Drop-Off Petition, 100 Back River Neck Road, Zoning Case 99-152-SPH

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ITEM 152

ZONING NOTICE

Case No.: 99-152-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE AN
EXTENSION OF THE SPECIAL EXCEPTION
APPROVED IN CASE NUMBER 97-168-SPHXA.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
November 5, 1998 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Esquire 410-832-2000
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

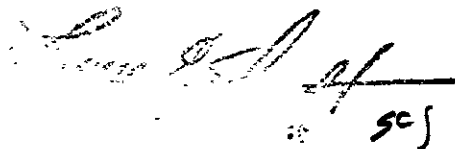
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-152-SPH
100 Back River Neck Road
SW/S Back River Neck Road, SEC of East Homberg Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Exxon Corporation

Special Hearing to approve an extension of the special exception approved in case number 97-168-SPHXA.

HEARING: Monday, November 23, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with the initials "scj" written below it.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 21, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-152-SPH
100 Back River Neck Road
SW/S Back River Neck Road, SEC of East Homberg Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Exxon Corporation

Special Hearing to approve an extension of the special exception approved in case number 97-168-SPHXA.

HEARING: Monday, November 23, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized "S" or "J" at the end.

Arnold Jablon
Director

c: David K. Gildea, Esquire
Exxon Corporation

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 8, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 20, 1998

David K. Gildea, Esq.
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania avenue
Towson, MD 21204

RE: Item No.: 152
Case No.: 99-152-SPH
Location: 100 Back River Neck
Road

Dear Mr. Gildea:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 9, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 10.20.96

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 152 WCR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 29, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCTOBER 19, 1998

Item No.: 140, 151 AND (152) Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



his
11/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: November 9, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 100 Back River Neck Road

INFORMATION:

Item Number: 152

Petitioner: Exxon Corporation

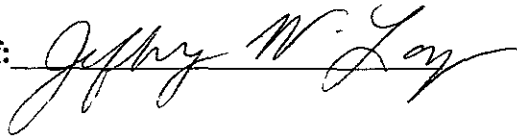
Zoning: BL-AS

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The approved plan in Case 97-168-SPHXA indicated that the ingress/egress point on E. Homberg Street would be closed, and additional landscaping would be provided. The Office of Planning supports the instant case provided that the above-mentioned site matters are continued as part of this subsequent request.

Section Chief:



AFK/JL:

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: October 28, 1998

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 26, 1998
 Item Nos. 142, 143, 144, 145, 146,
 147, 148, 149, 150, 151, 152, & 160

 The Bureau of Developer's Plans Review has reviewed the subject
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley *RBS/ps*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 10/12/98

DATE: 10/26/98

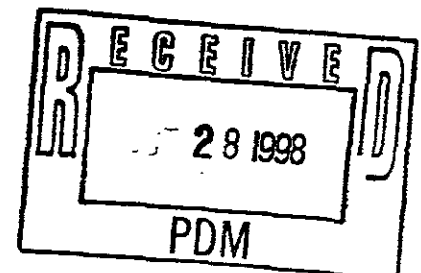
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 140
141
142
145
146
147

148
152
160

RBS:sp

BRUCE2/DEPRM/TXTS8P



RE: PETITION FOR SPECIAL HEARING
100 Back River Neck Road, SW/S Back River Neck
Rd, SEC of E. Homberg Ave, 15th Election District,
7th Councilmanic

Legal Owners: Exxon Corp.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-152-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 22, 1998

Mr. David K. Gildea
Whiteford, Taylor, & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, MD 21204-4515

RE: Zoning Verification
Exxon Station
100 Back River Neck Road
Zoning Case #97-168-SPHXA
15th Election District

Dear Mr. Gildea:

This letter confirms that, as requested in your correspondence of March 24 and 30, 1998, your plan changes for the above site, as approved by the Office of Planning and Community Conservation (OPCC) and the Department of Public Works (DPW) on April 14, 1998, are more in keeping with Section 405.4 Baltimore County Zoning Regulations (BCZR) and are approved by this office as more in keeping plan changes per Section 405.6.

Please document this approval on all future plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, appearing to read "John L. Lewis".

John L. Lewis
Planner II
Zoning Review

JLL:ch

c: zoning case #97-168-SPHXA



SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

50 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

DAVID K. GILDEA
DIRECT NUMBER
410 852-2066
dgildea@wtpilaw.com

**WHITEFORD, TAYLOR & PRESTON
LLP.**

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410.832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 351-0575

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

March 24, 1998

Via Hand Delivery

Mr. Arnold Jablon, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

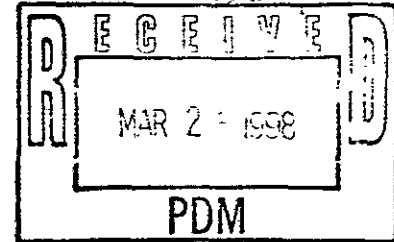
**Re: Spirit and Intent Request
Exxon station at 100 Back River Neck Road
Case No.: 97-168-SPHXA
Our File No.: 02951/00039**

Dear Mr. Jablon:

Exxon Corporation, by and through its attorneys, David K. Gildea and Whiteford, Taylor & Preston, hereby requests a revision of the previously approved Plan within the spirit and intent of case number 97-168-SPHXA.

On November 22, 1996, Zoning Commissioner Lawrence E. Schmidt granted a Special Exception to permit a fuel service station use in combination with a convenience store and a fast food restaurant. I have attached a copy of Zoning Commissioner Schmidt's Opinion and Order for your review. On November 15, 1996, the DRC determined that the proposed development should be granted a Limited Exemption pursuant to Baltimore County Code Section 26-171(a)(7) (See attached letter).

Exxon proposes to revise the previously approved Special Exception Plan to modify the convenience store and the canopy, as well as landscaping. The proposed changes are to better serve the general public. I have attached three copies of the proposed red-lined Plan for your review.

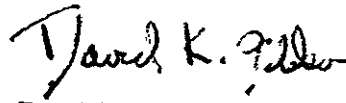


Mr. Arnold Jablon, Director
March 24, 1998
Page 2

The proposed revisions to this site are within the spirit and intent of the Baltimore County Zoning Regulations are the previously approved Plan in case number 97-168-SPHXA, and Exxon respectfully requests that the revisions be approved within the spirit and intent of that case.

I have enclosed this firm's check in the amount of \$40.00 for the review fee. Thank you for your consideration. I look forward to hearing from you. Should you have any questions or comments, please contact me.

Very truly yours,



David K. Gildea

DKG:bhb
Enclosures

CC: Mr. Robert Caserta (w/out enclosures)
Mr. Timothy F. Whittie (w/out enclosures)

131733

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JULIE D. WRIGHT
DIRECT NUMBER
410 832-2084
jwright@wtplaw.com

December 21, 1998

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County Zoning Office
County Courts Building, 4th Floor
401 Bosley Avenue
Towson, Maryland 21204

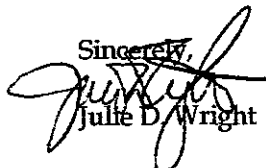
Re: Exxon Corporation; Back River Neck Road Site; Case No: 99-152-SPH

Dear Zoning Commissioner Schmidt:

By Order dated November 23, 1998, you approved a Petition for Special Hearing (Case No. 99-152-SPH) requesting an extension of a special exception previously approved in Case No. 97-168-SPHXA. The Order issued in Case No. 99-152-SPH inadvertently omits reference to the specific length of the period of time for the utilization of the previously approved special exception. Pursuant to § 502.3 of the Baltimore County Zoning Regulations ("BCZR"), a special exception may be extended for a period not exceeding five years from the date of the final order granting same. In the instant case, the final order granting the special exception for the above-referenced site was issued on November 22, 1996. Accordingly, under the BCZR provisions, the period of time for the utilization of the subject special exception may be extended to November 22, 2001.

In light of the inadvertent omission in the Order issued in Case No. 99-152-SPH, Exxon Corporation, Petitioner, respectfully requests clarification that the period of time for extending the special exception approved in Case No.: 97-168-SPHXA, and extended by Order dated November 23, 1998, has been extended to November 22, 2001; (2) that said clarification be effective upon your signature on the line provided herein below; and (3) that said clarification be incorporated into and made a part of the Order dated November 23, 1998, issued in Case No. 99-152-SPH.

Sincerely,


Julie D. Wright

Pursuant to the Petitioner's request, the Zoning Commissioner of Baltimore County hereby clarifies that the period of time for the utilization of the special exception approved in Case No. 97-168-SPHXA and extended by the Order issued in Case No. 99-152-SPH, is extended to November 22, 2001.


Lawrence E. Schmidt, Zoning Commissioner of Baltimore County

copy: to file

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE	*	
SW/S Back River Neck Road, SEC	*	ZONING COMMISSIONER
of East Homberg Avenue	*	
100 Back River Neck Road	*	OF BALTIMORE COUNTY
15th Election District	*	
7th Councilmanic District	*	Case No. 97-168-SPHXA
Exxon Corporation	*	
Petitioner	*	

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing, Special Exception and Zoning Variance all for the property located at 100 Back River Neck Road. The Petitions are filed by the Exxon Corporation, property owner. Special Exception relief is requested for approval of a fuel service station use in combination with a convenience store and fast food restaurant. Special Hearing relief is requested to amend the previously approved zoning plan in case No. 66-43X. Three variances are also requested. They are:

1. Section 405.4.A.2.d of the Baltimore County Zoning Regulations (BCZR) to permit a five foot landscape transition area in lieu of the required ten foot along Back River Neck Road, five ft. landscape transition area in lieu of the require 10 ft. along East Homberg Avenue, a 7.5 ft. landscape transition area in lieu of the required 15 ft. along the public alley, and a 6 ft. landscape transition area in lieu of the required 15 ft. along the south property line;
2. Section 409.4.A of the BCZR to permit a 12 ft. driveway in lieu of the required 20 ft. driveway;
3. Section 409.6.A.2 of the BCZR to permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use in combination with a convenience store and fast food restaurant.

The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing, Special Exception and Variance.

Appearing at the public hearing held for this case was Shelley LePlatt, on behalf of the Exxon Corporation. Also present was Timothy Whittle from Frederick Ward Associates, Inc., the consultants which prepared the site plan. David K. Gildea, Esquire appeared on behalf of the Petitioner. There were no Protestants or other interested persons present.

This is another in a series of cases filed by this Petitioner relating to renovation and upgrade of service stations maintained by the Exxon Corporation in Baltimore County. As shown on the site plan, the subject property is a rectangularly shaped parcel located adjacent to the intersection of Back River Neck Road and East Homberg Avenue in eastern Baltimore County. The property is approximately .84 acres in gross area, zoned B.L.-A.S. Presently the site is improved with an Exxon Service Station. Improvements on the site include several pump islands and a 3 bay service garage building. The balance of the site is paved with vehicular access from both East Homberg Avenue and Back River Neck Road.

Consistent with Exxon's corporate plans and strategy, a renovation of the site is proposed. The specifics of the proposed construction are shown on the site. Particularly, the Petitioner propose removing the existing bays from the building. In its place, the building will be renovated and an additional area for a Tiger Mart convenience store added. Moreover, the balance of the site will be improved to provide better vehicular access to the site and an enhanced area of landscaping. The Petitioner proposes a significant amount of buffering and landscaping to the rear of the site, which will screen the use from residences across a public alley which runs along the rear of the property line.

Mr. Gildea, on behalf of the Petitioner, proffered that Exxon has worked closely with the Office of Planning to develop an appropriate renovation plan. That office supports the proposal, particularly the increased landscaping scheme. Moreover, one of the entrances from East Homberg Avenue will be closed to promote a safer and better traffic flow. For these reasons, the Office of Planning endorses the Petitioner's plan.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. In my judgment, the proposal easily complies with the requirements of Section 502.1 of the BCZR. It is clear that not only will the renovation of the site not be detrimental to the surrounding locale, but that same will actually constitute an improvement. The redevelopment of this site will provide a more attractive and less intrusive business to the residences which are nearby. Thus, the Petitions for Special Exception and Special Hearing should be granted.

The design of the proposal as shown on the site plan mandates the requested variances. As noted above, the renovation of this site is comprehensive and strict adherence to the setback and parking requirements is not possible. Although the plan requires variance relief, its overall development is far superior to existing conditions. In my judgment, the Petition for Variance should be granted. I am satisfied that the Petitioner has met the burden set forth in Section 307 of the BCZR as construed by the case law.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 22nd day of November, 1996, that, pursuant to the Petition for

Special Exception, approval to allow a fuel service station use in combination with a convenience store, be and is hereby GRANTED; and,


IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for an amendment of the previously approved site plan in case No. 66-43-X, be and is hereby GRANTED: and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.d of the Baltimore County Zoning Regulations (BCZR) to permit a five foot landscape transition area in lieu of the required ten foot along Back River Neck Road, five ft. landscape transition area in lieu of the require 10 ft. along East Homberg Avenue, a 7.5 ft. landscape transition area in lieu of the required 15 ft. along the public alley, and a 6 ft. landscape transition area in lieu of the required 15 ft. along the south property line, be and is hereby GRANTED; and,

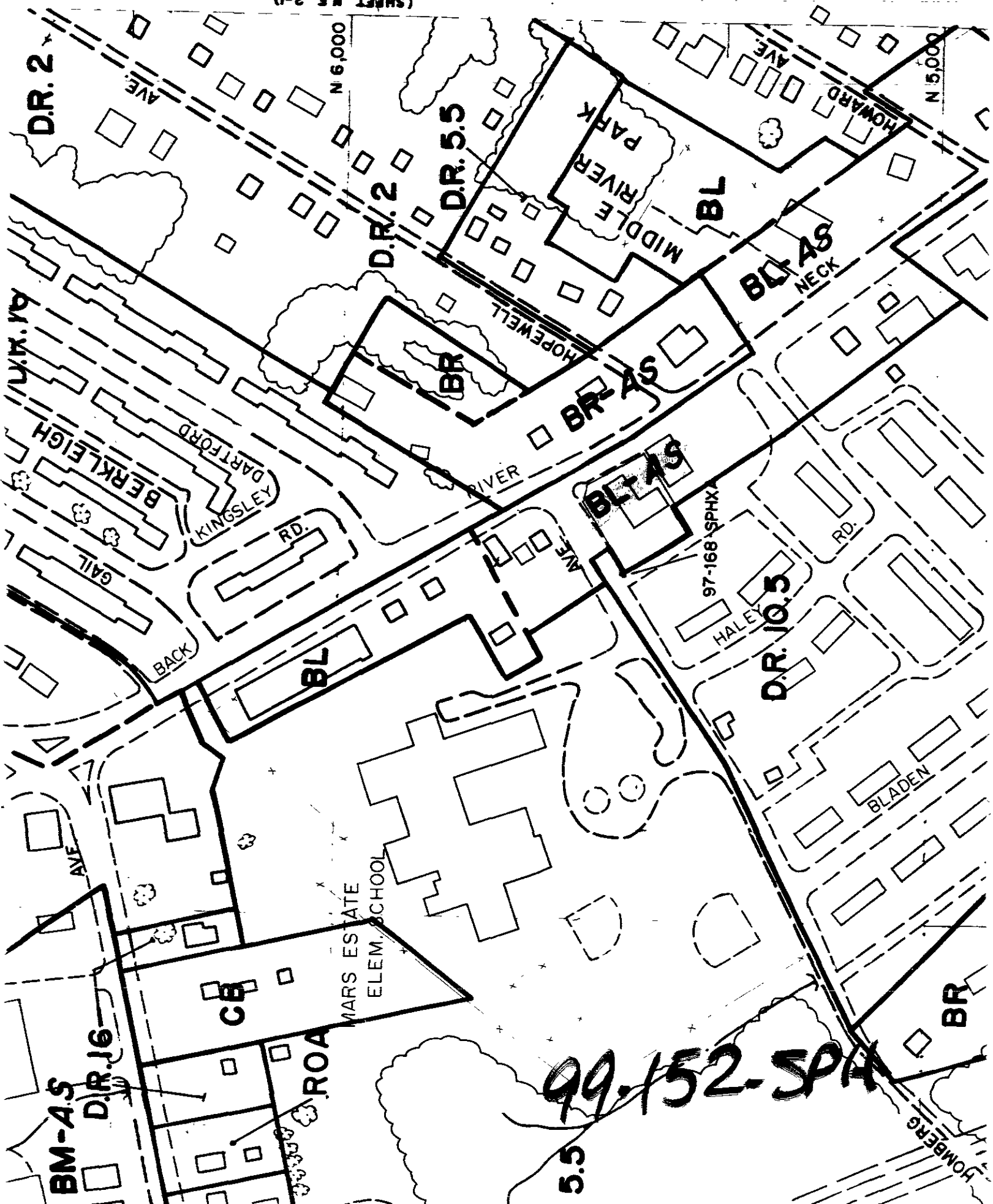
IT IS FURTHER ORDERED that a variance from Section 409.4.A of the BCZR to permit a 12 ft. driveway in lieu of the required 20 ft. driveway, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.2 of the BCZR to permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use in combination with a convenience store and fast food restaurant, be and are hereby GRANTED, subject, however to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm



99-152-SPH

